



Hearing Notice

Modified Industrial Stormwater General Permit

from Ecology's Water Quality Program

Modified Industrial Stormwater General Permit Available for Review and Public Comment

Introduction

The Washington State Department of Ecology (Ecology) is hosting a series of public hearings and workshops on its proposal to modify the Industrial Stormwater General Permit. The draft modified permit will replace the existing permit that was issued and subsequently appealed. Modifying and reissuing the Industrial Stormwater General Permit is part of a settlement agreement to resolve the appeal.

The modified permit provides coverage for industries located in Washington State discharging storm water associated with industrial activities. Under federal and state water-quality law (federal Clean Water Act and State Water Pollution Control Act), a permit is required for discharging waste water. A discharge of storm water associated with industrial activities is a discharge of waste water. Ecology first issued its baseline general permit on November 18, 1992, covering both industrial and construction activities. When reissued in 1995, the Industrial Stormwater General Permit no longer included construction activities (covered under the separate construction general permit).

Permits must be reissued at least every five years, and the industrial stormwater general permit was reissued without substantive changes by Ecology on October 4, 2000, with an expiration date of November 18, 2005. After an appeal and settlement, Ecology revised the permit substantially and reissued it on August 21, 2002, with an expiration date of November 18, 2007. This permit was appealed. Because of the appeal and a new law passed by the Legislature, Ecology is now proposing to modify the existing permit. The modified permit is now available for review and comment. This modification will not change the 2007 expiration date of the permit.

Most industrial activities that discharge storm water directly or indirectly to surface water are required to obtain permit authorization for their discharge unless they apply for or receive a No Exposure Certificate. Specifically, facilities listed in the Code of Federal Regulations (CFR) at 40 CFR Subpart 122.26(b)(14)(i-xi, excluding x), stormwater discharges, are included for coverage under the modified permit. A complete listing of facilities and applicable Standard Industrial Codes (SIC) can be found in the modified permit in Appendix #1-Section C, categories 1-9 and 11.

Permit Requirements

The modified general permit addresses the legal requirements and controls the discharges of pollutants to protect the water quality of ground water and surface water in Washington. A general permit is like an individual wastewater-discharge permit except that it addresses a group of facilities as a whole. A single permit is developed that implements standard stormwater management, treatment, monitoring, and reporting requirements for all permit holders covered under the general permit. Interested parties are encouraged to obtain a copy of the proposed modified permit and fact sheet addendum and to attend a workshop and hearing.

The proposed modified permit includes significant revisions and additions. These proposed changes* include:

- Conditionally authorizing some non-stormwater discharges.
- Clarifying how Ecology's stormwater management manuals are used under the permit.
- Clarifying that water cleanup plans, or TMDLs, completed after the permit is issued are generally not applicable.
- Presuming compliance with standards, provided permittees are in full compliance with the permit and site-specific information does not demonstrate otherwise.
- Eliminating standard mixing zones.
- Relaxing the stormwater sample-collection criteria (storm intensity, dry antecedent period, and first flush collection).
- Replacing the effluent limitation for existing discharges into water bodies that fail to meet water quality standards (303(d) listed waters) with a benchmark.
- Eliminating the compliance schedule for existing discharges into water bodies that fail to meet water quality standards and for existing dischargers that are subject to TMDL requirements.
- Clarifying what permittees must do when sample results show pollution levels above benchmark values.

**To see all of the proposed permit modifications, refer to the proposed permit and accompanying fact sheet addendum.*

This public comment period is on the proposed permit modifications only. Comments received on the parts of the permit not being modified will not be considered during this comment period and in developing the final permit.

Schedule for Issuing the General Permit

Ecology expects to issue the modified general permit no earlier than October 20, 2004. The modified permit takes effect 30 days after it is issued. The final permit may, however, be modified based on the comments received; if changes represent a substantial departure from the scope or conditions in the modified draft permit, another public notice of draft and comment period may follow. When the permit is issued, Ecology will send a copy of the "notice of issuance" and Ecology's response to comments to all people who submitted written comments or gave public testimony.

How to Request Copies of the Proposed Modified Permit

The modified permit and fact sheet addendum may be downloaded from the Internet at:
<http://www.ecy.wa.gov/programs/wq/stormwater>

Information regarding the Industrial Stormwater General Permit Appeal may be found at:
http://www.ecy.wa.gov/programs/wq/stormwater/industrial/permit_appeal.html

You may request a copy of the proposed modified permit and fact sheet addendum by contacting Joyce Smith:

- through the address noted below
- by telephone: 360-407-6858 FAX: 360-407-6426
- by e-mail – josm461@ecy.wa.gov

Where to Submit Written Comments

Ecology is seeking public comment on the proposed modifications to the Industrial Stormwater General Permit. Comments should reference specific text followed by proposed modification or concern, when possible. Comments may address technical issues, accuracy and completeness of information, the scope of facilities proposed for coverage, adequacy of environmental protection and permit conditions, or any other concern that would result from issuing this modified permit. This public comment period is on the modified parts of the permit only. Comments received on existing parts of the permit will not be considered in developing the final permit.

If you wish to comment on the proposed permit modifications, you may do so by attending and testifying at one of the public hearings below or by sending your written comments to Ecology. Please send written comments to:

Industrial Stormwater General Permit
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

You may also submit written comments by e-mail to: bmoo461@ecy.wa.gov.

Written comments must be received by Ecology no later than 5 p.m. on Monday, September 27, 2004. Comments may also be made by attending and testifying at one of the public hearings listed below.

Public Workshop/Hearings

Four public workshops and hearings on the proposed modifications to the permit are scheduled. The purpose of the workshop is to explain the modified general permit, answer questions, and discuss your ideas and concerns before formal testimony begins. The purpose of the hearing is to provide interested parties an opportunity to state for the record their opinions and comments on the proposed modifications to the general permit. The informational workshops will all begin at 1:30 p.m., and the formal public hearing to provide testimony will begin immediately after the workshop concludes. The workshops and hearings will be held on the following dates, times, and locations noted below. Additional information on the meeting location may be obtained from the Internet or by contacting Joyce Smith (see above):

Dates, Times, and Locations of the Public Workshops/Hearings

Date	Time	Location
September 20, 2004	1:30 p.m.	Lynnwood Civic Center - Council Chambers 19100 44th Avenue West Lynnwood, Washington
September 21, 2004	1:30 p.m.	The Olympia Center 222 North Columbia Olympia, Washington
September 23, 2004	1:30 p.m.	Spokane Community College Lair Building, Little Foot A & B North 1810 Greene Street Spokane, Washington
September 24, 2004	1:30 p.m.	Hal Holmes Community Center 201 North Ruby Street Ellensburg, Washington

If you have special accommodations needs or if you require this information in an alternate format, please contact Joyce Smith at 360-407-6858. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.